THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.21013 of 2006

DATED 11.10.2006

Between:
A.K.H.S. Rama Raju. .. PETITIONER

versus

The Municipal Corporation of Hyderabad,
represented by its Commissioner,
Tank Bund, Hyderabad and two others. .. RESPONDENTS

WRIT PETITION NO.21013 of 2006

ORDER:

The matter is coming up for admission. Heard Sri M.Ravindranath Reddy, learned counsel representing the petitioner and Smt.Jyothi Kiran, learned Standing Counsel representing the respondents.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in refusing to receive the application in Form Appendix-A under Section 428 of the Municipal Corporation Act read with Bye-Law No.3.2 of the Municipal Corporation Building Bye-Laws, 1981 submitted by the petitioner to erect a building in premises bearing No.8-2-248/P/A/1, Road No.3, Banjara Hills, Hyderabad, measuring an extent of 1290 sq. yards on the ground that no No Objection Certificate from the Committee constituted by the Government for the said purpose is produced and merely because there is an entry in the TSLR that it is Government land, as arbitrary, illegal and contrary to the law laid down by this Court and consequently direct the respondents to receive the building application of the petitioner and grant building permission without insisting No Objection Certificate (NOC) from the Committee constituted by the Government for this purpose and without relying on the entry in TSLR

and pass such other suitable orders.

3. Several factual details are narrated in the affidavit filed in support of the Writ Petition. Reliance was also placed in the decision reported in K.MANEMMA vs. MUNICIPAL CORPORATION OF HYDERABAD AND ANOTHER[1], wherein this Court observed at paragraph 6 of the said Judgment that refusal to receive or entertain the application merely on the ground of TSLR entries may not be sustainable in the event of the applicant being able to satisfy the ownership, title and legal possession in relation to the property in question.

4. It is needless to say that this Court repeatedly held that No Objection Certificate from the revenue authorities should not be insisted upon. In the light of the same, this Court is of the considered opinion that the Writ Petition be disposed of with the following directions:

> "The 3rd respondent, the Assistant City Planning Officer, Circle V, MCH., Khairtabad, Hyderabad, to receive the application for building permission in relation to the subject matter of the Writ Petition and dispose of the same in accordance with law and in the light of the observations referred to supra, at the earliest point of time.

5. The Writ Petition is allowed to the extent indicated above. There shall be no order as to costs.

11.10.2006

SSR

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[1] 2006(5) ALD 295.